

COMBINED SPECIAL MEETING/WORK SESSION
TUESDAY, SEPTEMBER 9, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order

Mayor Nabours called the Combined Special Meeting/Work Session of September 9, 2014, to order at 6:00 p.m. and the Council and audience then recited the Pledge of Allegiance.

2. Roll Call

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Councilmembers Present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Councilmembers Absent:

COUNCILMEMBER BREWSTER (Excused)

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

3. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None.

4. Consideration and Adoption of Resolution No. 2014-33: A resolution of the Mayor and Council of the City of Flagstaff, Coconino County, Arizona, declaring official and adopting the results of the Primary Election held on August 26, 2014.

City Clerk Elizabeth Burke presented the results of the August 26, 2014, primary election stating that the top six vote getters will be moving forward to the general election ballot.

Moved by Councilmember Celia Barotz, **seconded by** Vice Mayor Coral Evans to read Resolution No. 2014-33 by title only.

Vote: 7 - 0 Passed - Unanimously

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, DECLARING OFFICIAL AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 26, 2014.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Celia Barotz to adopt Resolution No. 2014-33.

Vote: 7 - 0 Passed - Unanimously

5. **Consideration and Adoption of Ordinance No. 2014-26:** An ordinance of the City Council of the City of Flagstaff, Arizona, repealing Ordinance No. 1951 related to City of Flagstaff Primary and General Election dates and Councilmembers terms, severability, and establishing an effective date; and **Consideration and Adoption of Resolution No. 2014-33** : A resolution of the City Council of the City of Flagstaff, Arizona, adjusting the commencement date for the Mayor and Councilmember terms and establishing an effective date. ***(Establishment of induction dates for Council members elected in November 2014; future election dates to be considered at a later date)***

Ms. Burke first stated that the Resolution number was incorrectly printed on the agenda and should be noted as 2014-31.

Ms. Burke gave a brief overview of State legislation regarding consolidated elections and the subsequent ordinance of the City that aligned the election dates with the State. Litigation was filed against the State and it was ruled that A.R.S. §16-204 improperly intrudes on the Constitutional authority of charter cities to establish election dates, but the decision is subject to appeal. At this time staff is recommending that the current Ordinance be repealed and the Resolution be adopted to specify the induction dates for the candidates who are successful in the November election to be set for the first Tuesday in December.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2014-26 by title only for the first time.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REPEALING ORDINANCE NO. 1951 RELATED TO CITY OF FLAGSTAFF PRIMARY AND GENERAL ELECTION DATES AND COUNCIL MEMBER TERMS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Celia Barotz to read Resolution 2014-31 by title only.

Vote: 7 - 0 Passed - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADJUSTING THE COMMENCEMENT DATE FOR THE MAYOR AND COUNCILMEMBER TERMS AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Celia Barotz to adopt Resolution 2014-31 with an effective date of October 16, 2014.

Vote: 7 - 0 Passed - Unanimously

6. Adjournment of Special Meeting

The Special Meeting of the Flagstaff City Council held September 9, 2014, adjourned at 6:10 p.m.

WORK SESSION

1. Call to Order

Mayor Nabours called the Work Session of September 9, 2014, to order at 6:10 p.m.

2. Preliminary Review of Draft Agenda for the September 16, 2014, Council Meeting. *

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

Mayor Nabours noted that the Equestrian Estates item was going to be moved from the consent section to the routine section. Mr. Burke confirmed and stated that there is not much discussion or interest anticipated but staff wants to have a formal presentation to Council.

Mayor Nabours modified the order of the meeting and began with item 4.

3. Flagstaff MPO Biannual Update.

Flagstaff Metropolitan Planning Organization (FMPO) Manager Dave Wessel provided a PowerPoint presentation that covered the following:

- FMPO UPDATE
- FMPO BACKGROUND
- FEDERAL AND STATE CONTEXT
- FMPO 2015 WORK PROGRAM
- REGIONAL TRANSPORTATION PLAN
- MILTON ROAD OPERATIONS ANALYSIS
- MILTON ROAD OPERATIONS ANALYSIS TREATMENT EXAMPLES
- STREETS OPERATION AND MAINTENANCE STUDY
- CURRENT FMPO FUNDED PROJECTS
 - Paving frontage road 40 behind the mall
 - LED light replacement program
 - County project – reconstruction of Kachina Trail
 - Switzer Canyon Intersection
 - Beulah Bike Lanes
 - Sign Replacement Program
 - Guardrail Improvement Program
 - Country Club FUTS trail
 - Fourth Street FUTS trail
 - Pine Knoll FUTS trail
 - Florence-Walnut Underpass
- OTHER ACTIVITIES
- QUESTIONS

Councilmember Overton stated that Milton is the City's major bottleneck and he is unsure about listing

possible solutions at this stage of the study as he does not want the data to be skewed by people with preconceived notions of the solutions. Mr. Wessel stated that the study is being kept free of recommendations; the categories will be looked at individually and collectively.

Councilmember Woodson expressed gratitude to Mr. Wessel and his staff for the work they did on the Dark Skies convention.

Mayor Nabours thanked Mr. Wessel for the information provided on some possible solutions for better navigating around town. It was no surprise that there is no magic solution to fix all the problems. He stated that the information clearly pointed out the road blocks around town that cause transportation restrictions. Mr. Wessel stated that he feels that there are difficult decisions ahead. It will be important to look at the capacity of the transportation system; economic development works better if there is a well functioning transportation system. It is necessary to do as much as possible to avoid self-inflicted wounds.

4. Discussion on Judicial Qualifications and Appointment Process

Court Administrator Don Jacobson provided a PowerPoint presentation that covered the following:

- JUDICIAL REQUIREMENTS AND APPOINTMENT PROCESS IN FLAGSTAFF
- GUIDING DOCUMENTS
- OTHER MUNICIPAL COURTS
- WHAT HAVE WE DONE?
- REQUIRED AND DESIRED EXPERIENCE FOR MAGISTRATE
- WHAT HAVE WE DONE?
- OPTIONS
- OPTION REQUIREMENTS

Mr. Jacobson stated that staff is seeking direction from the Council on what is desired for the appointment process. Staff is looking to widen the applicant pool and want to be sure that the candidates brought forward meet the criteria of the Council.

Mayor Nabours stated that State law does not require City Magistrates to have a law degree or be a practicing attorney, but the City Council has the discretion to impose those requirements. He asked if the Council imposed the requirement that on-call judges were to be members of the State Bar and have practiced law for five years if there would be enough qualified applicants to fill the need. Mr. Jacobson stated that he is unsure as the position has not yet been solicited; however, he noted that numerous qualified individuals have shown a strong interest to the position. Staff has had to turn away many because there are no current openings.

Vice Mayor Evans stated that it will be important to clarify the meaning of "law trained" as it could mean anything from completing law school to working in a legal environment.

Mayor Nabours stated that he would like to see a requirement that the Magistrates be members of the State Bar and have practiced law as an attorney or judge for a minimum of five years. Councilmembers Woodson and Overton agreed.

Vice Mayor Evans stated that she would like to see the advisory panel established and that Magistrates should be required to have diversity training to ensure that all people are being treated fairly. Mr. Jacobson stated that while the State does not set forth any requirements for Magistrates, there are requirements that are set forth by law for training. Additionally, there is the Commission on Judicial Conduct. Should an individual appear before a judge and feel that they have been unfairly treated they can go before the commission to file a complaint and the commission investigates the claim and makes a determination that is published and enforced through the Supreme Court.

The consensus of the Council is to require a law degree and five years experience for the position of Magistrate and continue with the ad hoc committee for screening.

5. Update on the City of Flagstaff's Code Compliance Program's Activities.

Comprehensive Planning and Code Administrator Roger Eastman provided a PowerPoint presentation that covered the following:

- CODE COMPLIANCE PROGRAM – AN UPDATE
- MEETING PURPOSE
- MISSION OF THE CD DIVISION
- CURRENT ORGANIZATION CHART
- WHAT DO WE DO?
 - ZONING CODE ENFORCEMENT
 - PUBLIC WORKS ENFORCEMENT
 - OTHER PROGRAMS & ASSISTANCE
- ZONING CODE (TITLE 10)
 - TEMPORARY SIGN CASES
 - OTHER ISSUES WE DEAL WITH
- HEALTH AND SANITATION (TITLE 7)
 - LITTERING CASES
 - ABANDONED VEHICLES
 - SOLID WASTE CASES
- PUBLIC WAYS & PROPERTY (TITLE 8)
 - SIDEWALKS
- OTHER PROGRAMS & ASSISTANCE
 - GRAFFITI BUSTERS
 - SUPPORT TO OTHER CITY SECTIONS
 - ADOPT PROGRAMS (FUTS, PARKS, AVENUE)
- SIDEWALK CAFES AND VENDORS
- DISTRESSED PROPERTIES
- COMMUNITY CLEAN-UP EVENTS
- WE WORK HARD AND HAVE FUN
- ARE WE VICTIMS OF OUR OWN SUCCESS?
- BEING MORE PROACTIVE

The Council thanked Mr. Eastman and his staff for their great work stating that it is easy to underestimate the work that is being done and the presentation really captured the extent to how much impact the program is having on the community. There is a lot of work going on in the neighborhoods and it makes the community better overall. They suggested that the presentation be given again at budget time in an effort to authorize additional staffing to the program.

6. Discuss and provide direction regarding City participation in Community Conversation on Student Housing.

Mr. Burke addressed Council with an update on recent steering committee meetings aimed at developing a community conversation about student housing. The steering committee consists of the City, United Way, the Chamber, Friends of Flagstaff's Future, Coconino County, NAU, and La Plaza Vieja. The three components discussed were education, engagement, and action. The committee would like to address each component one at a time and reassess after each phase. A symposium has been tentatively scheduled for October 27th to promote understanding of the issues. The format will be multi part with various panels that are fact based and perspective based. The City does not want to get into perspective but rather with process and facts. NAU will also be fact based providing information on student enrollment trends locally and around the country and give an idea of what might be expected

with growth and contraction. The audience would be community leaders and stakeholders as well as the public. Because the symposium ended up being more formal than originally anticipated the cost increased. The estimated budget is showing anywhere from \$17,000 to \$19,000.

Councilmember Overton asked if all of the committee organizations will be contributing to fund the event. Mr. Burke stated that the County has pledged \$5,000; it has not been agreed upon but a request has been made of the City and NAU to contribute as well. Mayor Nabours suggested combining services and asked if there is staff that can assist with the coordination to help bring the cost down. Mr. Burke responded that if it is a priority of the Council staff could be used but it may require pushing other things back to accommodate. Mayor Nabours also suggested that it could be a bring your own lunch kind of thing. Mr. Burke stated that there are ways to tighten the numbers and the committee would be looking into those. He stated that the City's contribution would likely be \$5,000 if the Council is comfortable with where the program is going.

Councilmember Overton stated that it is an important discussion for the community but that he was concerned that it is out of context. There is an education component that is important but he is unsure there is a tangible result. There is not enough direction for the overall goal to host a symposium; it will be informational and educational but the audience will want to know what the next steps are. He cautioned on creating a false expectation going forward and suggested that an overall goal be developed. Mr. Burke agreed and stated that the committee would like to manage expectations and do not want to get too far down a path with recommendations that are not legal or compatible with the Regional Plan or Council goals. It is not the intention of the symposium to solve a particular project proposal.

The City Council consensus is to go forward with the planning and preparations and report out if anything changes.

7. Update on Educational Outreach for Road Repair and Street Safety - Prop. 406

Assistant to City Manager for Communication Kim Ott provided a PowerPoint presentation that covered the following:

- PROP 406
- ROAD REPAIR AND STREET SAFETY TAX INFORMATION
- 6 THINGS TO KNOW ABOUT PROP. 406
- WHAT ARE WE DOING?
- OPEN HOUSE EVENTS
- IMPORTANT DATES

Mr. Burke stated that while a number of presentations are being given to civic groups, not as many people attend these meetings as before. The civic clubs members are often of an older generation. The younger generation gets their information through other methods including social media. Any ideas or suggestions on how staff can reach out to the most people would be welcomed.

8. Review of Draft Agenda Items for the September 16, 2014, City Council Meeting.*

* Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.

Councilmember Overton asked for any revisions to the Vintage project be distributed to Council as soon as possible.

9. Public Participation

Jim McCarthy addressed the Council with the suggestion of using the Planning Department at NAU to obtain an intern to help prepare for the symposium.

10. Informational Items To/From Mayor, Council, and City Manager; requests for possible future agenda items.

Councilmember Oravits offered thanks to staff and the Police Department for increasing enforcement by Knoles school. He requested similar increased enforcement for Butler by Aspen Place and also north Fourth Street to slow people down.

Councilmember Barotz reported that NAIPTA will be moving the bus stop in front of Walgreens on Fourth Street further up the street.

Councilmember Barotz also reported that she attended the panel discussion at the Murdoch Center on post Ferguson. She thanked the Chief of Police and the other officers that were there for their participation in the discussion and their communication. It was a good worthwhile conversation with the community.

Councilmember Barotz requested a future agenda item for discussion of having a two year budget cycle and how that might change the workload and how it is distributed.

Councilmember Overton stated that he attended the groundbreaking ceremony for the Veteran's Cemetery along with Vice Mayor Evans and Councilmember Barotz.

Vice Mayor Evans furthered Councilmember Oravits' comments about the increased enforcement on Fourth Street; the people who live on Lockett at Fourth street have a very difficult task of getting out of their driveways during certain times of the day due to speeding and backup from the school.

Councilmember Evans requested a future agenda item for getting an update on the status of the Veterans home.

Councilmember Evans also commented on the Ferguson to Flagstaff panel discussion and thanked Andrea for moderating the event as well as the Police Department for being there and taking tough questions.

Mayor Nabours requested a future agenda item regarding local preference and disability preference related to procurement.

Mr. Burke reported that in regards to Council direction, two temporary pedestrian crossings will be erected on Fourth Street at Dortha and Third on September 19, 2014 to help give staff an idea if people are crossing and using them. The crossings will remain up until the snow begins.

11. Adjournment

The Work Session of the Flagstaff City Council held September 9, 2014, adjourned at 8:12 p.m.

MAYOR

ATTEST:

CITY CLERK